

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of)

)
Distribution of the 2004, 2005, 2006,)
2007, 2008, and 2009 Cable Royalty)
Funds)
_____)

)
Docket No. 2012-6 CRB CD 2004-2009
(Phase II)

**MOTION OF THE JOINT SPORTS CLAIMANTS
TO AMEND ORDER REQUIRING MORE SPECIFIC STATEMENT**

On September 30, 2013, the Copyright Royalty Judges (“Judges”) issued an “Order Requiring More Specific Statement” (“Order”) in the captioned proceeding. That Order requires the eight parties participating in this proceeding to provide in spreadsheet format, by October 15, 2013, certain information concerning the claimants they purport to represent—specifically, the claim numbers and type of claim for each claimant as well as the royalty year(s) for which that claimant is seeking royalties. Joint Sports Claimants (“JSC”) respectfully request that the Judges amend the Order to require the participating parties also to identify, in the same spreadsheet, the specific Phase I category (or categories) for which each represented claimant seeks a share of the royalties in any particular year.

The Judges concluded in the Order that Section 351.1(b)(2) of their rules, 37 C.F.R. § 351.1(b)(2), “implicitly” mandates that “all participants provide sufficient information for the Judges to determine which claimants are participating in the proceeding for which years, and that all such participants have a significant interest in the subject matter of the proceeding.” Order at 1. The Judges also concluded that, “in accordance with 17 U.S.C. § 801(c) and to assure timely resolution of all issues,” they may require “as a matter of necessity and expediency” that all

participants provide “a detailed list of claimants they represent and the royalty year or years for which the principals are making a claim.” *Id.* JSC agree with these conclusions but believe that Section 351.1(b)(2) of the Judges’ rules also implicitly requires the participants to identify the specific Phase I category against which each claimant is asserting a claim. Moreover, Section 801(c) of the Copyright Act authorizes the Judges to impose such a requirement, just as it authorizes the Judges to require the other information set forth in the Order.

This Phase II proceeding involves the allocation of royalties previously awarded to three separate Phase I categories—Sports, Program Suppliers, and Devotionals—in six separate years. As in the recently concluded Phase II proceeding involving the 2000-03 cable royalties, the Judges will be required to make separate royalty allocations in each category for each year. Thus, it is not sufficient for a participant to identify only the royalty year(s) for which its represented claimants seek royalties. The participants also must identify the specific Phase I category (or categories) against which each such claimant is asserting a claim. Providing that information, like the other information required by the Order, will help assure the timely and expeditious resolution of all issues in this proceeding.

CONCLUSION

For the reasons stated above, JSC respectfully request that the Judges amend the Order by requiring the participating parties to identify the specific Phase I category (or categories) for which each of the claimants they purportedly represent seeks a share of the royalties in any particular year; that information should be included on the spreadsheets mandated by the Order under an additional column labeled “Phase I Category.”

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October 7, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2013, a copy of the foregoing motion was sent by Federal Express standard overnight mail or priority overnight mail to the parties listed below:

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